IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4068 of 2005

Between:

Ch. Venugopal S/o Venkateswarlu
r/o 5-1-447/10, Palnadu Road, Narasaraopet, Guntur district

..... PETITIONER

AND

1 The Deputy Transport Commissioner & Secretary, Regional Transport Authority, Guntur
2 The Regional Transport Officer. Narasaraopet, Guntur District

RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in returning the application dt 25-2-2005 for issue of No. Objection Certificate' in respect of petitioner's vehicle bearing No. AP/7U-8808 by the impugned proceedings in Memo No. 459/B4/2005, dt 28-2-2005 as illegal arbitrary and contrary to law and consequently direct the respondent to issue No Objection Certificate as per the application.

Counsel for the Petitioner: MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in rejecting the application, dated 25.2.2005 for issuance of "No Objection Certificate" in respect of petitioner's vehicle bearing No.AP7U 8808 vide Memo No.459/D4/2005, Dated 28.2.2005 as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport and perused the material on record.

No doubt, in respect of issuance of "No Objection Certificate", a Special Leave Petition is pending before the Supreme Court, but that cannot be a ground for rejecting the case of the petitioner. In case the petitioner's application for issuance of "No Objection Certificate" in respect of the Contract Carriage is covered by the provisions of Motor Vehicles Act, 1988, and if the petitioner is otherwise found eligible, the respondents have to issue "No Objection Certificate".

Therefore, without entering into the merits of the case, I consider it appropriate to direct the respondents to issue "No objection Certificate" and also the respondents can take an affidavit from the petitioner that he would bound by the decision of the Apex Court

which is pending covering the subject matter.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

3rd March, 2005.

bcj

To

1 The Deputy Transport Commissioner & Secretary, Regional Transport Authority, Guntur
2 The Regional Transport Officer. Narasaraopet, Guntur District

3 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies